

October 11, 1966

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Mr. ASHMORE. Mr. Speaker, I move that the bill and message be referred to the Committee on the Judiciary, and ordered to be printed.

The motion was agreed to.

#### AUTHORIZING THE PRINTING OF THE REPORT ON INTERNATIONAL EDUCATION BY THE HOUSE EDUCATION AND LABOR COMMITTEE

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration I call up the resolution (H. Con. Res. 1007) authorizing the printing of a report on "International Education" by the House Education and Labor Committee, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. CON. RES. 1007

*Resolved by the House of Representatives (the Senate concurring), That the document entitled "International Education: Past, Present, Problems and Prospects," a report by the Task Force on International Education of the Committee on Education and Labor, House of Representatives, be printed as a House document and that an additional five thousand copies be printed for the use of the Committee on Education and Labor of the House of Representatives.*

With the following committee amendment:

On line 6, strike out the word "five" and insert "seven".

The committee amendment was agreed to.

The House concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### AUTHORIZING THE PRINTING OF ADDITIONAL HEARINGS AND OTHER MATERIALS BY THE COMMITTEE ON AGRICULTURE

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration I call up the resolution (H. Con. Res. 1017) to authorize the printing of additional hearings and other materials by the Committee on Agriculture, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. CON. RES. 1017

*Resolved by the House of Representatives (the Senate concurring), That there shall be printed an additional one thousand copies of the hearings of the Committee on Agriculture entitled "World War on Hunger" parts 1, 2, and 3, together with a committee print entitled "World War on Hunger—Staff Summary of Testimony Presented by Public Witnesses at Hearings on World Food and Population Problems." All of such copies shall be for the use of said committee.*

The House concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### AUTHORIZING THE PRINTING AS A HOUSE DOCUMENT THE PAMPHLET ENTITLED "OUR AMERICAN GOVERNMENT—WHAT IS IT? HOW DOES IT FUNCTION?"

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration I call up the resolution (H. Con. Res. 1022) to authorize the printing as a House document the pamphlet entitled "Our American Government—What Is It? How Does It Function?", and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. CON. RES. 1022

*Resolved by the House of Representatives (the Senate concurring), That, (a) with permission of the copyright owner of the book "Our American Government—1001 Questions on How It Works", with answers by WRIGHT PATMAN, published by Scholastic Magazines, Incorporated, there shall be printed as a House document, with emendations, the pamphlet entitled "Our American Government—What Is It? How Does It Function?"; and that there shall be printed one million eighty-four thousand additional copies of such document, of which two hundred and six thousand copies shall be for the use of the Senate, and eight hundred and seventy-eight thousand copies shall be for the use of the House of Representatives.*

*Sec. 2. Copies of such document shall be prorated to Members of the Senate and House of Representatives for a period of sixty days, after which the unused balance shall revert to the respective Senate and House document rooms.*

The House concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### AUTHORIZING THE PUBLIC PRINTER TO PRINT FOR AND DELIVER TO THE GENERAL SERVICES ADMINISTRATION AN ADDITIONAL COPY OF CERTAIN PUBLICATIONS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration I call up the bill (S. 3809) to authorize the Public Printer to print for and deliver to the General Services Administration an additional copy of certain publications.

The Clerk read the title of the bill.

The Clerk read the Senate bill, as follows:

S. 3809

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Printing Act of January 12, 1895 (28 Stat. 601), as amended by the Act of June 17, 1935 (ch. 267, 49 Stat. 386; 44 U.S.C. 215a), is hereby amended by striking that portion of the first sentence preceding the colon and by inserting the following in lieu thereof: "There shall be printed and delivered by the Public Printer to the General Services Administration for official use, including use by the Presidential Library established for the President during whose term or terms the documents were issued, three copies each of the following publications which shall be chargeable to the Congress:". The Act is*

further amended by striking the word "two" where it appears in the last phrase of that portion of the first sentence following the colon and inserting in lieu thereof the word "three".

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### AMENDING THE CIVIL SERVICE RETIREMENT ACT TO PROVIDE INCLUSION OF PERIODS OF REEMPLOYMENT OF ANNUITANTS

Mr. DANIELS. Mr. Speaker, I ask unanimous consent that the committee on Post Office and Civil Service be discharged from further consideration of the bill (S. 699) to amend the Civil Service Retirement Act so as to provide for inclusion of certain periods of reemployment of annuitants for the purpose of computing annuities of their surviving spouses, which was unanimously reported out by the Committee on Post Office and Civil Service, with amendments, and ask for its present consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

S. 699

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13(b) of the Civil Service Retirement Act, as amended, is amended by striking out the third sentence and inserting in lieu thereof the following: "In the case of any annuitant who upon termination of employment is married to a wife or husband potentially entitled to annuity as surviving spouse by virtue of the annuitant's retirement, the benefit described in the proviso shall be reduced by 10 per centum and such wife or husband shall be paid an annuity equal to 55 per centum of such benefit commencing and terminating at the same times as the survivor annuity payable by virtue of the annuitant's retirement, unless at time of claiming the benefit under the proviso the annuitant notifies the Commission in writing that he or she does not desire the wife or husband to receive such annuity."*

*Sec. 2. The amendments made by this Act shall apply only with respect to reemployed annuitants whose periods of reemployment expire on or after the date of enactment of this Act.*

*Sec. 3. The provisions under the heading "Civil Service Retirement and Disability Fund" in title I of the Independent Offices Appropriation Act, 1959 (72 Stat. 1064; Public Law 85-844), shall not apply with respect to benefits resulting from the enactment of this Act.*

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That section 8344(a) of title 5, United States Code, is amended by striking out the last sentence and inserting in lieu thereof the

following: "If an annuitant on termination of employment is married to a spouse potentially entitled to annuity as surviving spouse by virtue of the retirement of the annuitant, the benefit described in the second sentence of this subsection is reduced by 10 per centum and the spouse is entitled to an annuity equal to 55 per centum of that benefit commencing and terminating at the same times as the survivor annuity payable by virtue of the retirement of the annuitant, unless the annuitant notifies the Civil Service Commission in writing, at the time of claiming that benefit, that he does not desire his spouse to receive this annuity."

"Sec. 2. The amendment made by the first section of this Act applies only with respect to reemployed annuitants whose periods of reemployment expire on or after the date of enactment of this Act.

"Sec. 3. For the purposes of section 18(b) of the Civil Service Retirement Act as enacted by the Act of September 27, 1965 (79 Stat. 840; Public Law 89-205), and section 1101(b) of the Postal Service and Federal Employees Salary Act of 1962 (76 Stat. 868; Public Law 87-793), the annuity of each congressional employee and each Member whose annuity commences between December 31, 1966, and February 1, 1967, both dates inclusive, shall be increased from its commencing date as if the commencing date of such annuity were December 31, 1966.

"Sec. 4. Section 8348(g) of title 5, United States Code, does not apply with respect to benefits resulting from the enactment of this Act."

#### AMENDMENT OFFERED BY MR. DANIELS

Mr. DANIELS. Mr. Speaker, I offer an amendment, which is technical and simply to make a correction.

The Clerk read as follows:

Amendment offered by Mr. DANIELS: On page 3, line 1, strike out the word "second" and insert in lieu thereof the word "fourth".

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An Act to amend title 5, United States Code, to provide for inclusion of certain periods of reemployment of annuitants for the purpose of computing annuities of their surviving spouses, and for other purposes."

A motion to reconsider was laid on the table.

#### PERMISSION TO SIT DURING GENERAL DEBATE TODAY—COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. CLARK. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may sit this afternoon at 2 o'clock.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, has this been cleared with the ranking minority member of the committee?

Mr. CLARK. Yes.

Mr. GERALD R. FORD. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

#### DEPARTMENT OF TRANSPORTATION ACT

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill, H.R. 15963.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

#### PROVIDING REPORTING OF CONGRESSIONAL REFERENCE CASES BY COMMISSIONERS, U.S. COURT OF CLAIMS

Mr. ASHMORE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill, H.R. 1665, to amend title 28, entitled "Judiciary and Judicial procedure of the United States Code to provide for the reporting of congressional reference cases by commissioners of the U.S. Court of Claims," together with the Senate amendments thereto.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

"That section 1492 of title 28, United States Code, is amended to read as follows: "§ 2509. Congressional reference cases

"Any bill, except a bill for a pension, may be referred by either House of Congress to the chief commissioner of the Court of Claims for a report in conformity with section 2509 of this title."

"Sec. 2. Section 2509 of title 28, United States Code, is amended to read as follows: "§2509. Congressional reference cases

"(a) Whenever a bill, except a bill for a pension, is referred by either House of Congress to the chief commissioner of the Court of Claims pursuant to the section 1492 of this title, the chief commissioner shall designate a trial commissioner for the case and a panel of three commissioners of the court to serve as a reviewing body. One member of the review panel shall be designated as presiding commissioner of the panel.

"(b) Proceedings in a congressional reference case shall be under rules and regulations prescribed for the purpose by the chief commissioner who is hereby authorized and directed to require the application of the pertinent rules of practice of the Court of Claims insofar as feasible. Each trial commissioner and each review panel shall have authority to do and perform any acts which may be necessary or proper for the efficient performance of their duties, including the power of subpoena and the power to administer oaths and affirmations. None of the rules, rulings, findings, or conclusions authorized by this section shall be subject to judicial review.

"(c) The trial commissioner to whom a congressional reference case is assigned by

the chief commissioner shall proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitation should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of fact conclusions sufficient to inform Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

"(d) The findings and conclusions of the trial commissioner shall be submitted by him, together with the record in the case, to the review panel of commissioners for review by it pursuant to such rules as may be provided for the purpose, which shall include provision for submitting the report of the trial commissioner to the parties for consideration, exception, and argument before the panel. The panel, by majority vote, shall adopt or modify the findings or the conclusions of the trial commissioner.

"(e) The panel shall submit its report to the chief commissioner for transmission to the appropriate House of Congress.

"(f) Any act or failure to act or other conduct by a party, a witness, or an attorney which would call for the imposition of sanctions under the rules of practice of the Court of Claims shall be noted by the panel or the trial commissioner at the time of occurrence thereof and upon failure of the delinquent or offending party, witness, or attorney to make prompt compliance with the order of the panel or the trial commissioner a full statement of the circumstances shall be incorporated in the report of the panel.

"(g) The Court of Claims is hereby authorized and directed, under such regulations as it may prescribe, to provide the facilities and services to the office of the clerk of the court for the filing, processing, hearing, and dispatch of congressional reference cases and to include within its annual appropriations the costs thereof and other costs of administration, including (but without limitation to the items herein listed) the salaries and traveling expenses of the commissioners serving as trial commissioners and panel members, mailing and service of process, necessary physical facilities, equipment, and supplies, and personnel (including secretaries and law clerks)."

"Sec. 3. Section 792(a) of title 28, United States Code, is amended by adding at the end thereof the following new sentence: "The Court shall designate one of the commissioners to serve at the will of the court as chief commissioner."

Amend the title so as to read: "An Act to amend title 28, entitled 'Judiciary and Judicial Procedure', of the United States Code to provide for the reporting of congressional reference cases by commissioners of the United States Court of Claims.

Mr. ASHMORE. Mr. Speaker, I offer an amendment to the Senate amendment.

The Clerk read as follows:

Mr. ASHMORE moves to concur in the Senate amendment with an amendment as follows: In section 1 of the amendment of the Senate, strike out "S. 2509" and insert "S. 1492".

The amendment to the Senate amendment was agreed to.

The Senate amendment as amended was agreed to.

A motion to reconsider was laid on the table.